

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 09/783,328

**REMARKS**

Claims 1-13, all the claims pending in the application, are newly rejected. Claims 1, 5, 8, 10, 12 and 13 are amended.

As a preliminary matter, Applicants wish to express their appreciation for the Examiner's withdrawal of the final Office Action dated July 2, 2002 and the mailing of a new non-Final Office Action on August 7, 2002. This Amendment is responsive to the later mailed Office Action.

***Claim Rejections - 35 U.S.C. § 112***

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed on the basis of the accompanying arguments and amendments.

**Claim 1**

The Examiner comments with respect to claim 1 that the purpose of the player's operation of the controller in accordance with the game music is not clear. Applicants submit that the player would operate the controller to meet preprogrammed game criteria. When such criteria are met, the result is a variety of game-type functions, such as changing a display on the game screen illustrated in Fig. 3 (see discussion at pages 16-19), changing volume, changing colors, or the like.

**Claim 5**

The Examiner comments that this claim, along with claims 8, 10, 12 and 13, lack a transitional phrase, such as, "wherein the game distribution device comprises:" Applicants have amended claim 5, as well as the other noted claims, to present the invention in a format that is more conventional under U.S. practice. According to this format, Applicants have used numbered and lettered paragraphs to identify the content of the game program code and game data, and the computer-implemented functions that are provided by the code.

**Claim 8**

See the comments regarding claim 5 and Applicants amendment to this claim.

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Claim 9

The Examiner comments that there is an inconsistency between the use of the word “judgment” and the function of “judging.” Applicants have attempted to achieve the desired consistency with the amendment that has been made.

Claim 10

In addition to the comments made that are similar to those for claim 5, the Examiner objects to the phrase “to function as.” Applicants traverse this rejection because the precise purpose of the program code is to have the processor perform the recited functions. Applicants submit that, with the amendments made that are similar to those for claim 5, this claim should be in acceptable form.

Claim 12

See the comments regarding claim 5 and Applicants amendment to this claim.

Claim 13

The Examiner comments that phrase “the game program for” is indefinite. However, Applicants submit that with the amendments made to remedy the same problem identified for claim 5, this claim now should be unambiguous and clear.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Applicants' Background of the Invention. This rejection is traversed.

Applicants respectfully refer the Examiner to the comments made in the Amendment filed on December 21, 2001 for reasons that the Examiner previously considered convincing, so that an indication of allowability over the prior art was given in the Office Action dated March 8, 2002, paragraph 9.

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sagawa et al (E.P. 903,169). This rejection is traversed.

Applicants again respectfully refer the Examiner to the comments made in the Amendment filed on December 21, 2001 for reasons that the Examiner previously considered

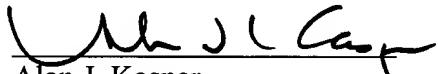
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convincing, so that an indication of allowability over the prior art was given in the Office Action dated March 8, 2002, paragraph 9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**The claims are amended as follows:**

1. (Amended) A game device having a controller operated by a player in accordance with game music, comprising:

commercially available music CD reproducing means for reading recorded content from a commercially available music CD to reproduce music as game music based on the recorded content read;

commercially available CD judgement means for reading recorded content from a commercially available music CD to judge whether or not the commercially available music CD is a predetermined commercially available music CD based on the recorded content read;

operation timing data storage means for storing operating timing data indicative of timings at which the player should operate the controller to meet preprogrammed game criteria in accordance with the game music reproduced based on the recorded content read from the predetermined commercially available music CD; and

music game execution means for causing the commercially available music CD reproducing means to reproduce music as game music based on the recorded content read from the commercially available music CD, in response to a judgment such that the commercially available music CD, of which recorded content is read by the commercially available music CD judgment means, is the predetermined commercially available music CD, and for guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

5. (Amended) A game distribution device for distributing game program code and game data for causing a computer to function as a game device having a controller operated by a player in accordance with game music, the computer being equipped with a commercially available music CD reproducing function for reading recorded content from a commercially

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available music CD to reproduce music based on the recorded content read, wherein the game distribution device comprises:

means for distributing [distributes] operation timing data, as at least a part of the game data, indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the recorded content read from a predetermined commercially available music CD, and

means for distributing program code, as at least a part of the game program code, said code being operative for causing the computer to function as

(a) commercially available music CD reproducing means for reading recorded content from a commercially available music CD to reproduce music as game music based on the recorded content read by using the commercially available music CD reproducing function;

(b) commercially available CD judgement means for reading recorded content from a commercially available music CD by using the commercially available music CD reproducing function to judge whether or not the commercially available music CD is the predetermined commercially available music CD based on the recorded content read; and

(c) music game execution means for causing the commercially available music CD reproducing means to reproduce music as game music based on the recorded content read from the commercially available music CD, in response to a judgement such that the commercially available music CD, of which recorded content is read by the commercially available music CD judgement means, is the predetermined commercially available music CD, and for guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

8. (Amended) An information storage medium storing game program code and game data, said game program code and game data comprising:

(1) instructions for causing a computer to function as a game device having a controller operated by a player in accordance with game music, the computer being equipped with a commercially available music information storage medium reproducing function for reading

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recorded content from a commercially available music information storage medium which records at least music data, to reproduce music based on the recorded content read, [wherein the information storage medium stores]

(2) operation timing data, as at least a part of the game data, indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the recorded content read from a predetermined commercially available music information storage medium, and

(3) program code, as at least a part of the game program code, for causing the computer to function as

(a) commercially available music information storage medium reproducing means for reading recorded content from a commercially available music information storage medium to reproduce music as game music based on the recorded content read by using the commercially available music information storage medium reproducing function;

(b) commercially available music information storage medium judgement means for reading recorded content from a commercially available music information storage medium by using the commercially available music information storage medium reproducing function to judge whether or not the commercially available music information storage medium is the predetermined commercially available music information storage medium based on the recorded content read; and

(c) music game execution means for causing the commercially available music information storage medium reproducing means to reproduce music as game music based on the recorded content read from the commercially available music information storage medium, in response to a judgement such that the commercially available music information storage medium, of which recorded content is read by the commercially available music information storage medium judgement means, is the predetermined commercially available music information storage medium, and for guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

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9. (Amended) A game device having a controller operated by a player in accordance with game music, comprising:

music data reproducing means for obtaining music data from a music data distribution server via a communication network to reproduce music as game music based on the music data obtained;

music data judgement means for judging whether or not the music data obtained by the music data reproducing means is predetermined music data;

operation timing data obtaining means for obtaining operation timing data indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the predetermined music data; and

music game execution means for causing the music data reproducing means to reproduce music as game music based on the music data, in response to a [judgement such] judging by the music data judgment means that the music data obtained by the music data reproducing means is the predetermined music data, and for guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

10. (Amended) An information storage medium storing game program code and game data for causing a computer to function as a game device having a controller operated by a player in accordance with game music, said program code and game data comprising: [wherein the information storage medium stores, as at least a part of the game program code,]

program code operative to cause [for causing] the computer to function as

(a) music data reproducing means for obtaining music data from a music data distribution server via a communication network to reproduce music as game music based on the music data obtained;

(b) music data judgement means for judging whether or not the music data obtained by the music data reproducing means is predetermined music data;

(c) operation timing data obtaining means for obtaining operation timing data indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the predetermined music data; and

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(d) music game execution means for causing the music data reproducing means to reproduce music as game music based on the music data, in response to a judgement such that the music data obtained by the music data reproducing means is the predetermined music data, and for guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

12. (Amended) An information storage medium storing game program code and game data, said game program code and game data comprising:

(1) instructions for causing a computer to function as a game device having a controller operated by a player in accordance with game music, the computer being equipped with a commercially available music information storage medium reproducing function for reading recorded content from a commercially available music information storage medium recording at least music data, to reproduce music based on the recorded content read, [wherein the information storage medium stores]

(2) operation timing data, as at least a part of the game data, indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the recorded content read from a predetermined commercially available music information storage medium, and

(3) program code, as at least a part of the game program code, for causing the computer to function as

(a) a commercially available music information storage medium reproducer which reads recorded content from a commercially available music information storage medium to reproduce music as game music based on the recorded content read by using the commercially available music information storage medium reproducing function ;

(b) a commercially available music information storage medium judgement unit which reads recorded content from a commercially available music information storage medium by using the commercially available music information storage medium reproducing function to judge whether or not the commercially available music information storage medium is the

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predetermined commercially available music information storage medium based on the recorded content read; and

(c) a music game execution unit which causes the commercially available music information storage medium reproducer to reproduce music as game music based on the recorded content read from the commercially available music information storage medium, in response to a judgement such that the commercially available music information storage medium, of which recorded content is read by the commercially available music information storage medium reproducing function, is the predetermined commercially available music information storage medium, and guides timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.

13. (Amended) Game program code for causing a computer to function as a game device having a controller operated by a player in accordance with game music, the computer being equipped with a commercially available music information storage medium reproducing function for reading recorded content from a commercially available music information storage medium recording at least music data, to reproduce music based on the recorded content read, the game program code for controlling the computer to perform a plurality of operations comprising:

receiving operation timing data, as at least a part of the game data, indicative of timings at which the player should operate the controller in accordance with the game music reproduced based on the recorded content read from a predetermined commercially available music information storage medium;

reading recorded content from a commercially available music information storage medium to reproduce music as game music based on the recorded content read by using the commercially available music information storage medium reproducing function;

reading recorded content from a commercially available music information storage medium by using the commercially available music information storage medium reproducing function to judge whether or not the commercially available music information storage medium

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is the predetermined commercially available music information storage medium based on the recorded content read; and

causing the commercially available music information storage medium reproducing function to reproduce music as game music based on the recorded content read from the commercially available music information storage medium, in response to a judgment such that the commercially available music information storage medium is the predetermined commercially available music information storage medium; and

guiding timings at which the player should operate the controller in accordance with the game music reproduced, based on the operation timing data.